

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE PROCTER & GAMBLE COMPANY,

Plaintiff,

v.

HELLO PRODUCTS, LLC,

Defendant.

No. 14 Civ. 649 (VM)

CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16—26(i).

1. This case is to be tried by a jury.
2. Joinder of additional parties is to be accomplished by June 1, 2014.
3. Amended pleadings may be filed without leave of the Court until April 15, 2014.
4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) is to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than April 1, 2014.
5. All fact discovery is to be completed within a period exceeding one hundred twenty (120) days, with the Court's approval, because the case presents unique complexities or other exceptional circumstances, specifically by not later than September 30, 2014.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
 - a. Initial requests for production of documents are to be served by April 1, 2014.
 - b. Interrogatories are to be served by all parties by April 1, 2014.
 - c. Depositions are to be completed by September 30, 2014.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. Depositions of all parties shall proceed during the same time.

- iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.
- d. There are no additional contemplated discovery activities.
- e. Requests to Admit are to be served no later than September 1, 2014.
- 7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:
 - a. Plaintiff: October 30, 2014 for expert reports, and December 31, 2014 for depositions
 - b. Defendant: November 30, 2014 for expert reports, and December 31, 2014 for depositions
- 8. Contemplated motions:
 - a. Plaintiff: possible motion for summary judgment
 - b. Defendant: possible motion for summary judgment
- 9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than January 15, 2015.
- 10. Neither party consents to trial by a Magistrate Judge under 28 U.S.C. § 636(c).

11. The next Case Management Conference is scheduled for 10-10-14 at 9:30 a.m.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

SO ORDERED:

DATED: New York, New York

21 March 2014


VICTOR MARRERO
U.S.D.J.

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March 19, 2014

Hon. Victor Marrero
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl Street
 New York, New York 10007

Re: The Procter & Gamble Company v. Hello Products, LLC, 14-cv-00649 (VM)

Dear Judge Marrero:


Pursuant to the Court's March 18, 2014 telephonic inquiry regarding case management and discovery in the captioned matter, the parties have conferred in accordance with Fed. R. Civ. P. 26(f)(3), and respectfully submit for Your Honor's consideration the attached proposed Civil Case Management Plan and Scheduling Order, in accordance with Fed. R. Civ. P. 16—26(f), and Your Honor's Individual Practice Rules.

Please let us know if Your Honor would like to hear from the parties regarding the proposed dates during either a telephonic or an in-person conference. We thank the Court for its assistance with this matter.

Respectfully Submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP

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 Harold P. Weinberger

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 The Procter & Gamble Company*

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